

SUBCHAPTER K—REGULATIONS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

PART 290—COLLECTION OF COST OF SERVICE INFORMATION UNDER SECTION 133 OF THE PUB- LIC UTILITY REGULATORY POLI- CIES ACT OF 1978

Subpart A—Coverage, Compliance and Definitions

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APPENDIX A TO PART 290—NONEXEMPT ELEC-
TRIC UTILITIES

AUTHORITY: 16 U.S.C. 791a–828c, 2601–2645; 42
U.S.C. 7101–7352.

SOURCE: Order 48, 44 FR 58697, Oct. 11, 1979,
unless otherwise noted.

Subpart A—Coverage, Compliance and Definitions

§ 290.101 Applicability and exemp- tions.

(a) Except as provided in paragraph
(b), this part shall apply to each elec-
tric utility, in any calendar year, if the
total sales of electric energy by such
utility for purposes other than resale
exceed 500 million kilowatt-hours dur-
ing any calendar year beginning after
December 31, 1975, and before the im-
mediately preceding calendar year.

(b) The Commission exempts from
compliance with this part any utility:

(1) Listed by name in Appendix A to
this part; or

(2) That has total sales of electric en-
ergy for purposes other than resale of
less than 2 billion kilowatt-hours per
year.

[Order 353, 48 FR 55449, Dec. 13, 1983, as
amended at 49 FR 4939, Feb. 9, 1984]

§ 290.102 Information gathering and filing.

All nonexempt electric utilities must
file the data required by section 133(a)
of the Public Utility Regulatory Poli-
cies Act of 1978, 16 U.S.C. § 2643, with
their state regulatory authorities. All
nonexempt, nonregulated electric utili-
ties shall, to the extent the data are

collected and compiled, make these
data publicly available. All nonexempt
electric utilities shall file an affidavit
with the Commission certifying that
the requisite state filing was made. All
nonexempt, nonregulated electric utili-
ties shall file an affidavit with the
Commission certifying that the data
were made publicly available.

[Order 545, 57 FR 53991, Nov. 16, 1992]

§ 290.103 Time of filing and reporting period.

All nonexempt electric utilities must
file with any state regulatory author-
ity having ratemaking authority for
such utilities the information gathered
pursuant to § 290.102, and all non-
exempt, nonregulated electric utilities
must make such information available
to the public as follows:

(a) *Biennial filing.* Information re-
quired to be filed under § 290.102 must
be filed biennially in even-numbered
years on or before June 30 of that year.

(b) *Reporting period.* The reporting pe-
riod is the calendar year immediately
preceding the filing year. Information
for previous years and projected infor-
mation for future years must be re-
ported on a calendar year basis.

(c) *Alternate reporting period.* Use of
an alternate reporting period is per-
mitted as follows:

(1) Except as provided in paragraph
(c)(2) of this section, if a nonexempt
electric utility has gathered all of the
information specified in § 290.102 and
has filed such information, based on a
recent 12-month reporting period, ei-
ther with its state regulatory author-
ity or governing authority in connec-
tion with a retail rate proceeding, the
nonexempt electric utility may sub-
stitute such information for the equiv-
alent information required by this part
in fulfillment of the biennial filing re-
quirements.

(2) If a nonexempt electric utility not
subject to the jurisdiction of a state
regulatory authority maintains ac-
counting records other than on a cal-
endar year basis, such utility may use
such other basis as the reporting period